Peter A. Leeming, SBN 119124 108 Locust Street, Suite 7 1 Santa Cruz CA 95060 2 EÒËZŠÒÖÄÄFEÐHE Telephone (831) 425-8000 3 Attorney for: Defendant Derek Malone 4 5 6 7 IN THE UNITED STATES DISTRICT COURT 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA 9 10 SAN JOSE DIVISION 11 No. CR 11-0657/F NL 12 UNITED STATES OF AMERICA, 13 STIPULATION AND [] Plaintiff, **ORDER CONTINUING STATUS** 14 CONFERENCE VS. 15 DEREK MALONE, 16 17 Defendant 18 19 The parties stipulate, and request that the court Order, the following: 20 1. This matter is currently set for a status conference on January 24, 2013 at 21 22 9:00 A.M. By this stipulation, the parties are jointly requesting that the hearing be moved 23 to March 14, 2013 at 9:00 AM. 24 2. A continuance of this matter is necessary for the effective preparation of 25 26 defense counsel. Discovery and investigation in this case is ongoing and additional time 27 is necessary to complete the discovery process. The parties are in the process of

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1 continuing to negotiate a settlement of this matter, and are hopeful that this process can 2 be accomplished by the proposed date. 3 4. For the above reason, the parties jointly request that the status conference 4 hearing set for January 28, 2013 be vacated, and that the hearing be continued to March 5 6 14, 2013, at 9:00 AM, and that the time between January 28 and March 14, 2013 be 7 excluded from the speedy trial act for continuity and the effective preparation of counsel. 8 9 10 Respectfully submitted, 11 Dated: January 22, 2012 12 By:_ PETER A. LEEMING, 13 Attorney for DEREK MALONE 14 15 16 17 /s/ Grant Fondo, Grant Fondo, 18 Assistant U.S. Attorney 19 IT IS SO ORDERED. 20 FEDGETH H DATED: 21 Hon. D. Lowell Jensen United States District Judge 22 23 24 25 26 27

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